



***COMMONWEALTH of VIRGINIA***  
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November 29, 2004

The Honorable Robert G. Burnley, Director  
Virginia Department of Environmental Quality  
629 East Main Street  
Richmond, Virginia 23219

Re: Authority to Promulgate Virginia Pollution Abatement (VPA) Permit Regulation, 9 VAC 25-32,  
Fast Track

Dear Director Burnley:

I have reviewed the above-referenced regulation. It is my opinion that the State Water Control Board has authority to promulgate such amendments under applicable law, including Chapter 3.1 of Title 62.1 of the Code of Virginia. Based upon your agency's representations, it is my opinion that under Va. Code § 2.2-4012.1 the regulation may proceed under the Fast-track rulemaking process.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

Cathie F. Hutchins  
Assistant Attorney General  
Environmental Unit

cc: Ellen Gilinsky  
Cindy Berndt